

REMARKS

The non-final Office Action mailed January 6, 2010, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. §102

Claims 55-60 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bass (U.S. pat. Pub. no. 2003/176851). Applicants respectfully traverse.

Claim 55, from which claims 56-60 depend, has been amended to recite, inter alia, cutting using a blade. This feature, supported in para [0079] of Applicants' disclosure for instance, is not disclosed in Bass, which instead relies on application of forms of energy such as for cauterization, coagulation, or laser heating (Bass, para. [0083]).

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. §102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. §102 rejection based on Bass is respectfully urged.

New Claims

Dependent claims 92-94 have been added to claim more specific measurements relating to the distance of extrusion D and the diameter R of the hole through which extrusion takes place. Support for these features can be found in para. [0085] of Applicants' disclosure for instance. Independent claims 95 and 104 have been added to specifically recite a shearing member and a scraper, respectively, as the cutting tools. Otherwise they are identical to independent claim 55. Support for claims 95 and 104 can be found for example in para. [0079] of the disclosure. No new matter has been introduced.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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